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REMARKS

The Official Action of August 1, 2008, made final and the references cited therein have been carefully considered. The Applicant respectfully requests reconsideration of the application in view of the following remarks.

Claims 48-60 have been canceled without prejudice and rewritten for presentation as new Claims 61-73 for convenience in entering this amendment. Support for this amendment is found in the Specification e.g. paragraph 0009 to paragraph 0020, paragraph 0213, paragraph 0216, page 80-82, and the claims of the application as filed.

1. Claims 61-73 are pending in the application.
2. Applicants gratefully acknowledge that the previous rejections under 35 U.S.C. 112, second paragraph, 35 U.S.C. 112, first paragraph, 35 U.S.C. 102 (b) and 35 U.S.C. § 103(a) have been withdrawn
3. Claims 48-51, 53 and 59 stand rejected under 35 U.S.C. § 103(a) as being obvious over Wood et al.

The Applicants respectfully traverse this rejection and provide the following comments. The Applicants respectfully assert that Wood et al. does not disclose or suggest the claimed invention. Nor would Wood et al. have motivated or enabled one skilled in the art to employ the subject compounds in accordance with the claimed invention. Wood et al. would have taught away from the present invention. Moreover, in view of the state of the art, one skilled in the art would have been discouraged from the compounds of the claimed invention.

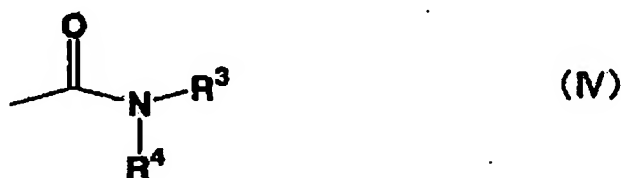
Wood et al. disclose certain benzodiazepine compounds as bradykinin B1 antagonists. The Examiner stated that the generic formula of the compounds of Wood et al. (which is presented from page 3, line 9 to page 6, line 4) generically covers the presently-claimed compounds. The Examiner further stated that when R² in Wood et al. (on page 3, lines 15-16) was the third choice of -C₁₋₃alkyl- C(O)NR²²R²³- the generic formula of Wood et al. includes the presently-claimed compounds. The Examiner also noted the two bipiperidiny-phenyl benzodiazepine compounds of Examples 2 and 3 of Wood et al. (pages 28-29).

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All of the compounds of Wood et al. are **benzodiazepine** compounds.

In contrast, the present claims do not generically or specifically cover any **benzodiazepine** compounds!

In the present compounds, Y may be a group of the formula (IV):



wherein R^3 is a hydrogen atom, or a lower alkyl group, and
 R^4 is a group of the formula (VI):



wherein A represents a **phenyl** group, a **thienyl** group or a **pyridyl** group.

Accordingly, the relevant substituent of the presently claimed compounds does not include benzodiazepine.

Moreover, the compounds of Wood et al. are bradykinin B1 antagonists. In contract, the presently claimed compounds are histamine H3 receptor antagonists.

All of the compounds of Wood et al. are benzodiazepines. In fact, Wood et al. would have actually taught away from the present invention by indicating that a benzodiazepine group would have been required.

Applicants respectively submit that there would have been no motivation nor guidance for one of ordinary skill in the art to have selected the bradykinin B1 antagonists of Wood et al. and then to have modified such compounds by removing the benzodiazepine ring to prepare the presently-claimed histamine H3 receptor antagonists.

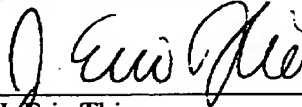
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Accordingly, Applicants respectfully submit that the rejection of Claims 48-51, 53 and 59 under 35 U.S.C. § 103(a) as being obvious over Wood et al. is untenable and should be withdrawn.

4. Applicants gratefully acknowledge that Claims 58 and 60 (now Claims 71 and 73) are allowed and that Claims 52 and 54-57 (now Claims 65 and 67-70) are objected to as being dependent upon a rejected base claim, but would be allowable. In view of the foregoing amendments and remarks, such claims should be allowed.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

By 

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